

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**KIMBERLY F. MILLS, Individually and  
as Independent Executrix of the Estate of  
ARTHUR MARK MILLS, and on behalf  
Of the Beneficiaries to the Estate to include  
JEREMY M. MILLS, LEVI C. MILLS  
and APRIL C. WEBB, Each Individually  
and as Wrongful Death Beneficiaries of  
ARTHUR MARK MILLS, DECEASED**

*Plaintiffs*

**V.**

**UNITED AIRLINES, INC.,  
ABM AVIATION, INC.,  
SIMPLICITY GROUND SERVICES,  
LLC D/B/A SIMPLICITY USA,  
ANTONIO DELEON, JESSICA MORA,  
PRYSTAL MILTON, and  
EXPRESSJET AIRLINES, INC.**

## *Defendants*

**CASE NO. 4:21-cv-1241**

**PLAINTIFF APRIL WEBB'S ANSWERS TO  
DEFENDANT EXPRESSJET AIRLINES, INC.'S  
FIRST SET OF INTERROGATORIES**

TO: Defendant ExpressJet Airlines, Inc., by and through their counsel of record, Patrick J. Comerford, RIGBY SLACK LAWRENCE BERGER AKINC PEPPER & COMERFORD, PLLC, 3500 Jefferson Street, Suite 330, Austin, Texas 78731.

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff April Webb, individually as heir at law of Arthur Mills, Deceased, serves her Answers to Defendant ExpressJet Airlines, Inc.'s First Set of Interrogatories.

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Respectfully submitted,

**THE AMMONS LAW FIRM, LLP**

/s/ Justin D. Burrow

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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing was forwarded on this 8<sup>th</sup> day of November 2021 as follows:

Marc Michael Rose  
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777 Main Street, Suite 600  
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/s/ Justin D. Burrow  
Justin D. Burrow

**PLAINTIFF APRIL C. WEBB'S ANSWERS TO**  
**DEFENDANT EXPRESSJET AIRLINES, INC.'S**  
**FIRST SET OF INTERROGATORIES**

**INTERROGATORY NO. 1:** Identify any and all felonies or crimes of which you have been convicted within the last ten (10) years. Please include the nature of each offense and the state and county in which the conviction occurred.

**RESPONSE:** Plaintiff objects because this interrogatory seeks information that is not relevant to the subject matter of the litigation nor is it reasonably calculated to lead to the discovery of admissible evidence. Plaintiff objects to this interrogatory because it is overly broad. Defendant's request is not limited as to time, scope or subject matter that is relevant to the current litigation.

Subject to the foregoing objection and without waiving the objection, none.

**INTERROGATORY NO. 2:** Identify every lien, notice of subrogation, claim for reimbursement, and any other encumbrance to any judgment or settlement reached in this case. In your answer, please indicate whether Medicare, Medicaid, any governmental agency or insurer, employer, or other insurer has paid any portion of any of the claimed expenses.

**RESPONSE:** Plaintiff objects to this Request to the extent that it seeks materials protected by the consulting expert privileges. Plaintiff will produce expert materials in accordance with the Federal Rules of Civil Procedure and any order from this Court.

Subject to and without waiving the foregoing objections, despite not having expert analysis completed at this time and in a good faith effort to be forthcoming with information at this early stage in the litigation, Plaintiff provides the following information that is responsive to this request. However, Plaintiff reserves the right to amend this information after experts have had an opportunity to complete their analysis.

While premature at this time, Plaintiff incorporates by reference Plaintiff's disclosure responses, designation of experts, and expert materials that will be disclosed, including all supplements and amendments, and expert deposition testimony Plaintiff refers Defendant to all expert deposition testimony that will be taken in this matter and incorporate such testimony here.

Please see the following document being produced herewith:

Description	Record Type	Bates Beginning	Bates Ending
Covenant Health System [B]	Billing	P000001	P000074
Covenant Physical Medicine & Rehab [B]	Billing	P000075	P000097
Covenant Physical Medicine & Rehab [M]	Medical	P000098	P000117
TrustPoint Rehabilitation [M]	Medical	P000118	P001770

Description	Record Type	Bates Beginning	Bates Ending
Trustpoint Rehabilitation Hospital of Lubbock [B]	Billing	P001771	P001815
University Medical Center EMS [B]	Billing	P001816	P001820
2019.02.06 TIRR release for air travel	TIRR – Infml	P001821	P001821
2019.02.07 TIRR Discharge documents	TIRR – Infml	P001822	P001834
2019.02.07 TIRR Transfer of Care documents	TIRR – Infml	P001835	P001851
Autopsy report - preliminary	Autopsy	P001852	P001853
Autopsy report	Autopsy	P001854	P001858
Lubbock Fire Marshal's [Acc] <ul style="list-style-type: none"> <li>• CAD Notes [Acc] [Infml]</li> <li>• Dispatch Rpt [Acc] [infml]</li> <li>• Dispatch Call Audio [Acc]</li> </ul>	FOIA	P001859	P001867
Covenant Medical Center [M]	Medical	P001868	P004740
Calvert Home Health, Ltd. [M]	Medical	P004741	P004938
Covenant Medical Center [M]	Medical	P004991	P007519
Dickens County EMS [B]	Billing	P007520	P007522
Dickens County EMS [M]	Medical	P007523	P007528
Lubbock Aid Ambulance [B]	Billing	P007529	P007532
Lubbock Aid Ambulance [M]	Medical	P007533	P007553
Sound Physicians [B]	Billing	P007554	P007556

**INTERROGATORY NO. 3:** Identify each person who provided training to any plaintiff regarding how to assist the Decedent in connection with air or other travel, including but not limited to the Flight; identify which plaintiffs were trained, the date, location, and duration of the training; and all materials provided in connection with the same.

**RESPONSE: TIRR Memorial's medical providers and staff.**

**INTERROGATORY NO. 4:** Identify the person who booked the decedent's ticket for the Flight, the date the booking was made, the method by which the booking was made, and, if the booking was made by telephone, set forth the telephone number from which the individual who made said booking placed the call.

**RESPONSE: I booked my dad's ticket for the United flight online.**

**INTERROGATORY NO. 5:** Identify all communications, requests, or inquiries made by plaintiffs or anyone acting on their behalf in connection with an actual or potential autopsy or death investigation of the Decedent.

**RESPONSE:** Plaintiff objects on the grounds that this discovery request violates the Attorney Client Privilege, as well as the Attorney Work Product Doctrine.

**INTERROGATORY NO. 6:** Identify all individuals or entities who performed an autopsy of the Decedent, state the date each was performed, and identify all persons currently in possession of the results of the same.

**RESPONSE:**

**Lone Star Autopsy LLC  
Tracy J. Dyer M.D., J.D.  
Medical providers, agents, and custodian of records  
P.O. Box 140647  
Dallas, Texas 75214-0647**

**Autopsy Associates of North Texas  
P.O. Box 724  
Denton, Texas 76202  
(940) 390-3834**

**INTERROGATORY NO. 7:** Identify all communications to any Defendant or any representative thereof regarding accommodations for Decedent's disability and/or condition prior to the date of the Flight.

**RESPONSE:** My mom, Kim Mills, and I spoke with numerous agents with United Airlines before dad was discharged from TIRR confirming dad was good to fly. Mom and I gave United information about the motorized wheelchair (brand, battery info, weight of chair, weight and dimensions of dad) and the multiple medical bags would be transported. Mom and I also informed United that dad was a quadraplegic and provided a letter from TIRR that dad was cleared for air travel. United informed us that dad was cleared to fly on United who would provide trained personnel to transport dad into and out of his seat. United told us to ask for a United supervisor when we arrived at the airport. The United supervisor would get us checked in, take us through TSA to our gate and assist with boarding the plane. United further told mom and me that the United supervisor would be with us every step of the way to make sure we had no problems.

**INTERROGATORY NO. 8:** Identify all communications to any Defendant or any representative thereof regarding accommodations for Decedent's disability and/or condition on the date of the Flight.

**RESPONSE:** When mom, dad and I arrived at the IAH, I asked for a United supervisor. An United agent (African-American female, name unknown) met us and acted as though she was confused by our request. While the United agent checked the medical bag, she simply pointed us in the direction of TSA, where we were left to navigate the rest of the way to our plane.

Getting through security was a bit of a hassle but we made it through without the help of any United agents. Once through security, we went to our gate and asked another United agent (Caucasian female, name unknown) for assistance. The United agent looked at our boarding passes and asked us to wait a few minutes while she changed our seats purportedly for easier access and maneuverability. We were originally booked for Row 3 ACD but this was changed to Row 4 ACD. It was not clear why United reassigned dad to Seat 4A when Seat 3C (dad's original seat) had more leg room.

When pre-boarding began, an agent (male Hispanic, name and employer unknown) wheeled dad out on the tarmac and then up a ramp to access the plane. Another agent (male Hispanic, name and employer unknown) met us at the airplane. While mom stayed with dad, I was asked to go down to the tarmac and show the loaders how to operate the motorized wheelchair.

Once on the plane, two Hispanic male agents (names and employer unknown) assisted with transferring dad from his wheelchair to an aisle wheelchair. While transferring dad from the aisle wheelchair to Seat 4A, the agents were having difficulties. Dad is 6'4" and 230 pounds. The agents were able to get dad halfway into Seat 4A but dad's legs would not fit due to the limited leg room. The agents tried forcing his legs behind Seat 3A in front of dad by pushing on them continuously. Mom and I told the agents to stop because it appeared the agents were going to break his legs. After several minutes of the agents not knowing what else to do, dad, mom and me were reassigned Row 2A (Mark), 3C (April), and 3A (me).

A male United supervisor (Victor) came on board and asked about the holdup and the problems with boarding. I told Victor that the agents were having a hard time getting dad into his seat. Victor then exited the plane. While trying to get dad into seat 2A, the agents dropped dad onto the floor. To get him up, the agents leaned on dad pushing his back forward. Dad's shoulder got hung in a backhand position on one of the aisle seats. Meanwhile, Victor came back on board and advised us we had 5 minutes to get dad into a seat. If this could not be done, Victor advised us that we will needed to travel on another plane. Victor then exited the plane without checking on dad's wellbeing after being dropped.

During the flight, dad did not appear he was feeling good. His head was leaned up against the window. Mom and I noticed the agents got the seat belt extender out but had failed to actually buckle him in completely. To help support his upper body, mom sat directly behind him and wrapped her arms around dad.

After landing at the Lubbock Airport, everyone deboarded the plane, except for us. The United captain (name unknown) had come out of the cockpit and stood while everyone deboarded. A female supervisor, (Kian, employer unknown) came on board to let us know the Houston airport had called ahead regarding a transfer. Kian brought one agent (Hispanic male, name and employer unknown) to deboard dad. Due to dad's size, this obviously was not going to work, so we waited until another agent (African American male, last name Washington, employer unknown) arrived to help.

The agents were having problems transporting dad. I told Kian that Wade Webb (my husband) and Jerney Mills (my brother) were at security. If United would allow them on the plane, Wade and Jerney could safely lift dad. Kian told me that would not be a problem. Unfortunately, that never happened, as security denied Wade and Jerney access into the airport.

Washington and the Hispanic agent transferred dad into a aisle wheelchair to deboard the plane. As the agents were transferring Mark into an aisle wheelchair, April and I told the agents to belt dad because he had no body control. The Hispanic agent began pushing dad's aisle wheelchair to exit the plane. During this process, dad's arm/elbow hit the arm rest of the other seat. Next, dad's elbow was pinned against the corner of the wall while the agents tried to pick up the aisle wheelchair to straighten it out.

The jet bridge did not connect directly and fully to the plane. A narrow metal catwalk was used to allow passengers to deboard the plane.

While exiting the plane, the Hispanic agent pushed dad's aisle wheelchair forward, not backward, onto the catwalk and hit the lip of the catwalk. When this happened, mom and I saw dad fall face forward onto the catwalk because dad was not properly belted and secured in the aisle wheelchair. No agent was walking in front of the aisle wheelchair. After watching dad flip onto the catwalk, I screamed "they dropped him." In response, Kian denied that in fact happened and said dad was fine, which he clearly was not.

Next, I observed Washington and the Hispanic agent tried to place dad back in the aisle wheelchair. This was not successful. Washington then wrapped his arms underneath dad's shoulders (chest to chest like a bearhug) and dragged dad across the catwalk into the jetbridge. Dad's face scrapped the handrails during this process. At the end of the catwalk, dad's foot got stuck and hung up in a gap between the catwalk and the jetbridge. Washington yanked on dad to get his foot unstuck, lost his balance, and fell on top of dad's back, forcing dad's face to the floor of the jet bridge.

The agents then lifted dad into his wheelchair that was loaned by Numotion in Houston. It was then discovered the joystick on dad's electric wheelchair was broken, locking it down and making it useless. Kian, April, and a few other agents were forced to push and pull Mark's electric wheelchair through the airport.

At the baggage claim area, mom, dad, and I found Wade and Jeremy waiting with the representatives of Open Road Mobility Lubbock who were supposed to transport dad home safely. However, dad was complaining of neck and shoulder pain. Dad's ankles and knee were swollen and red, and dad's C-Collar was broken. Dad's elbow, toes, and face were bleeding, and his eyes were bloodshot. Dad's clothes were torn, and his underwear was shredded.

April mentioned calling EMS and the airport agents said they would handle the call. EMS arrived but the paramedics did not feel comfortable transporting dad so the fire

department was also called. EMS and the fire department then transferred dad to the ambulance where he was taken to Convent Medical Center.

**INTERROGATORY NO. 9:** Identify all assistive devices Decedent or Plaintiffs used or obtained in connection with the care and/or mobility of Decedent outside of an inpatient setting from December 8, 2018 – June 6, 2019.

**RESPONSE:** Plaintiffs object to this request because as phrased, the request is vague, ambiguous, overly broad, unduly burdensome and it demands a degree of exhaustiveness that would require a verbatim transcript of Plaintiffs' anticipated trial testimony. This information is better obtained through deposition.

Subject to and without waiving the foregoing objections, dad used several different electric wheelchairs.

Please see the following document being produced herewith:

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Covenant Health System [B]	Billing	P000001	P000074
Covenant Physical Medicine & Rehab [B]	Billing	P000075	P000097
Covenant Physical Medicine & Rehab [M]	Medical	P000098	P000117
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Covenant Medical Center [M]	Medical	P001868	P004740
Calvert Home Health, Ltd. [M]	Medical	P004741	P004938
Covenant Medical Center [B] INCOMPLETE	Billing	P004939	P004990
Covenant Medical Center [M]	Medical	P004991	P007519
Dickens County EMS [B]	Billing	P007520	P007522

<b>Description</b>	<b>Record Type</b>	<b>Bates Beginning</b>	<b>Bates Ending</b>
<b>Dickens County EMS [M]</b>	<b>Medical</b>	<b>P007523</b>	<b>P007528</b>
<b>Lubbock Aid Ambulance [B]</b>	<b>Billing</b>	<b>P007529</b>	<b>P007532</b>
<b>Lubbock Aid Ambulance [M]</b>	<b>Medical</b>	<b>P007533</b>	<b>P007553</b>
<b>Sound Physicians [B]</b>	<b>Billing</b>	<b>P007554</b>	<b>P007556</b>
<b>TIRR Instruction - Wheelchair to Floor</b>	<b>Manual</b>	<b>P007557</b>	<b>P007561</b>
<b>TIRR Memorial Hermann [B]</b>	<b>Billing</b>	<b>P007562</b>	<b>P007617</b>
<b>TIRR Memorial Hermann [M]</b>	<b>Medical</b>	<b>P007618</b>	<b>P012447</b>
<b>1 United Airlines Ticket Receipts &amp; Chair Dvc Tag</b>	<b>Travel Docs</b>	<b>P012448</b>	<b>P012449</b>
<b>United Airlines Documents</b>	<b>Documents</b>	<b>P012518</b>	<b>P012522</b>
<b>Recorded Call with United Rep</b>	<b>Audio</b>	<b>P012533</b>	<b>P012533</b>
<b>Open Road Mobility</b>	<b>Record</b>	<b>P012534</b>	<b>P012537</b>

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

KIMBERLY F. MILLS, Individually and  
as Independent Executrix of the Estate of  
ARTHUR MARK MILLS, et al..  
*Plaintiffs,*

vs.

UNITED AIRLINES, INC., et al.,  
*Defendants.*

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CIVIL ACTION NO. 4:21-cv-1241

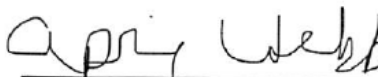
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VERIFICATION

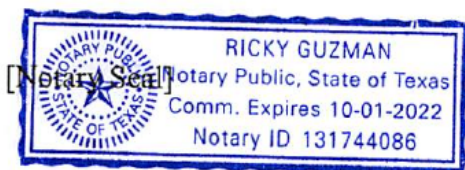
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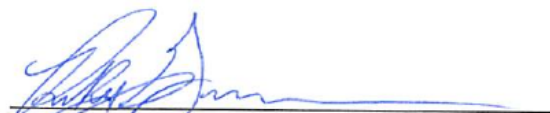
THE STATE OF TEXAS §  
§  
COUNTY OF HOCKLEY §

Before me, on this day personally appeared **April Webb** known to me to be the person whose name is subscribed to the foregoing instrument and who, after being by me duly sworn, testified that he has personal knowledge of the facts contained in the foregoing Answers to Defendant ExpressJet Airlines Inc.'s **First Set of Interrogatories** and that said facts are true and correct.

  
\_\_\_\_\_  
APRIL WEBB

SUBSCRIBED AND SWORN TO BEFORE ME, on this 8<sup>th</sup> day of November, 2021, to certify which witness my hand and seal of office.



  
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NOTARY PUBLIC in and for  
THE STATE OF TEXAS  
My Commission expires: 10/1/2022